

REMARKS

Claims 1-14, 16-22, 24, 26, 28 and 30 were examined and reported in the Office Action. Claims 1-14, 16-22, 24, 26, 28 and 30 are rejected. Claims 1, 4, 6, 10, 13 and 18 are amended. Claims 1-14, 16-22, 24, 26, 28 and 30 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. § 112, first paragraph

It is asserted in the Office Action that claims 1, 6, 13, 18, 24, 26, 28 and 30 are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Applicant has amended claims 1, 6, 13 and 18 to overcome the 35 U.S.C. § 112, first paragraph rejections.

Accordingly, withdrawal of the 35 U.S.C. § 112, first paragraph rejections for claims 1, 6, 13, 18, 24, 26, 28 and 30 are respectfully requested.

II. 35 U.S.C. § 103(a)

It is asserted in the Office Action that claims 1-14, 16-22, 24, 26, 28 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng, U.S. Patent Application Publication No. 2002/0078161 ("Cheng") in view of Graziano et al., U.S. Patent Application Publication No. 2002/0111698 ("Graziano"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

“[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.” (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” *“All words in a claim must be considered in judging the patentability of that claim against the prior art.”* (In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Cheng discloses a UPnP controller 120 that uses the UPnP protocol to communicate with UPnP enabling device 200. UPnP enabling device 200 includes an IP network interface that receives commands and requests from the UPnP controller 120 using UPnP protocol and slave network interfaces, and transforms the UPnP protocol to device and network specific commands and requests. “These device and network specific commands and requests are communicated to the controlled non-UPnP device, via the slave network, using the slave network’s protocol.” (Cheng, Abstract). The UPnP enabling device 200 also includes “enabling logic to support the UPnP addressing, discovery, and description processes for each of the devices on the non-IP network. (*Id.*) In other words, the UPnP enabling device 200 acts as an emulator by translating UPnP protocol and non-UPnP protocol to one another. Therefore, Cheng does not teach, disclose or suggest “the home network system achieves plug-n-play like operability for the electronic device without using a plug and play protocol.”

In Applicant's claimed invention the electronic device is periodically polled for ID information. Distinguishable, in Cheng the "devices advertise their essential characteristics when they first enter the network." (Cheng, paragraph [0026]).

Graziano discloses a web based system for monitoring and/or controlling devices. Graziano further discloses that a home security system senses an event and a home attendant 31 establishes a connection with web-based host 70 for notification. It is asserted in the Office Action that the detecting the event (i.e., security breach) is the same as achieving plug-n-play operability. Applicant respectfully disagrees. With plug-n-play operability, when a device is connected to a network, the network notices the connection by the announcement of the device and recognizes the device. With a security system, typically a connection is continuous and the event is a break in the connection. Further, Graziano does not teach, disclose or suggest an electronic device is periodically polled for ID information.

Moreover, even if the disclosures of Cheng and Graziano were combined, the resulting invention of Cheng and Graziano would still use UPnP protocols with devices that transmit service requests. Since neither Cheng, Graziano, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claims 1, 6, 13 and 18, as listed above, Applicant's amended claims 1, 6, 13 and 18 are not obvious over Cheng in view of Graziano since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from amended claims 1, 6, 13 and 18, namely claims 2-5 and 24, 7-12 and 26, 14, 16-17 and 28, and 19-22 and 30, respectively, would also not be obvious over Cheng in view of Graziano for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 1-14, 16-22, 24, 26, 28 and 30 are respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-14, 16-22, 24, 26, 28 and 30 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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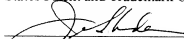
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.


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